



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,333	12/12/2003	Nobuyuki Nakashima	033294-022	7480

21839 7590 07/01/2005

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

LAZO, THOMAS E

ART UNIT PAPER NUMBER

3745

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,333

Applicant(s)

NAKASHIMA ET AL.

Examiner

Thomas E. Lazo

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Response to Amendment

Applicant's amendment filed 6/13/05 is acknowledged.

DETAILED ACTION

Claim 4 is objected to because of the following informalities:

In claim 4, line 3, "after the completion of the idle stroke" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 rejected under 35 U.S.C. 102(b) as anticipated by Bourlon et al. (6,192,685) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bourlon et al. in view of Schunk (6,058,705). Bourlon et al. discloses a hydraulic brake apparatus with a tandem brake master cylinder a rod piston 44 moving in response to a brake-operating member, the rod piston 44 defining within the cylinder body a first reservoir pressure chamber in communication with a

Art Unit: 3745

reservoir and a first pressure chamber 58 in communication with a hydraulic brake circuit connecting the tandem brake master cylinder and a brake wheel cylinder, the rod piston 44 having a first valve which is adapted to establish and shut off communication between the first pressure chamber 58 and the first reservoir pressure chamber, the rod piston 44 being capable of an idle stroke while the first valve is in an establishing condition in which the first valve establishes the communication between the first pressure chamber 58 and the first reservoir pressure chamber, a floating piston 60 moving in response to the rod piston 44, the floating piston 60 defining within the cylinder body a second reservoir pressure chamber in communication with the reservoir and a second pressure chamber 59 in communication with the hydraulic brake circuit, the floating piston 60 having a second valve which is adapted to establish and shut off communication between the second pressure chamber 59 and the second reservoir pressure chamber, the floating piston 60 being capable of an idle stroke while the second valve is in an establishing condition in which the second valve establishes the communication between the second pressure chamber 59 and the second reservoir pressure chamber, a separation valve 30 provided in the hydraulic brake circuit and adapted to establish and shut off communication between the tandem brake master cylinder and the brake wheel cylinder, a pressure control valve unit 22,24 for controlling fluid pressure to be supplied from an external fluid-pressure supply source to the brake wheel cylinder while the separation valve 30 is in a shut off condition, a stroke simulator piston 46 for ensuring a stroke of the brake-operating member in accordance with an input load to the brake-operating member, while the separation valve 30 is in the shut off condition, by allowing a stroke of the rod piston 44 and a stroke of the floating piston 60, and the idle stroke of the floating piston 60 starting during the idle stroke of the rod piston 44 and the

Art Unit: 3745

simulator piston 46 starts its stroke after completion of the idle stroke of the rod piston 44 so as to ensure the stroke of the brake-operating member. See Bourlon et al. col. 5, lines 1-35.

The idle stroke of the floating piston starting during the idle stroke of the rod piston is evidenced by Schunk, which discloses the idle stroke of a floating piston starting during the idle stroke of a rod piston. See Schunk col. 4, lines 30-54.

Response to Arguments

Applicant's arguments with respect to claims 3-4 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

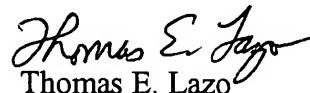
Art Unit: 3745

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to status of this application or proceeding should be directed to the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.


Thomas E. Lazo
Primary Examiner
Art Unit 3745

TEL

June 28, 2005